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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,459

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Dov L Randall

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06/18/2009

K&L Gates LLP

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EXAMINER

MOSSER, ROBERT E

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

06/18/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary	Application No. 10/511,459	Applicant(s) RANDALL, DOV L	
	Examiner ROBERT MOSSER	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 18-54 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/18/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement entered April 18th, 2005 has been considered. A copy of the cited statement(s) including the notation indicating its respective consideration is attached for the Applicant's records.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **18-26, 28-36, 38-41, and 44-52** are rejected under 35 U.S.C. 102(b) as being anticipated by Griswold et al (US 6,027,115).

Claims **18-22**: Griswold teaches a display device for display symbols in a player-operable gaming machine including:

a plurality of movable members including respectively attached to each movable member a rotatable signal responsive symbol bearing support (Figures 2, 3b, 4a, Elements 317, 329 Col 6:13-31); and

a signal generating device that is to generate signals and communicate the signals to the signal responsive symbol bearing support and results in the display of

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sequence of symbols on the symbol bearing support (*Griswold* Figure 2 Col 4:58-5:50, 6:13-31).

Claims **23-26**: Griswold further teaches the support strip as mounted on substantially all of the circumference of an axially rotated slot machine reel and housed in a peripheral structure adapted to allow the viewing of the slot machine reels through a plurality of windows associated therewith (*Griswold* Figures 1, 3; Col 4:29-57).

Claims **28-29**: The invention of Griswold is understood as inherently function to display and maintain the presentation of symbols in order to communicate game states to the player as disclosed with relation to figure 2 of Griswold.

Claims **30, 32, 39-40, and 44-45**: The invention of Griswold is presented as operating in a plurality of display modes corresponding to the display of different symbols including illustrations of fruit (*Griswold* Figure 2 Col 4:58-5:50).

Claims **31, 38, 46, and 52**: The invention of Griswold is presented as incorporating the use of additional back illumination elements placed within the drum structure (*Griswold* Figure 6 Col 9:15-43).

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Claims **33-34**: The invention of Griswold is additionally presented as incorporating the disclosed display features in a base or primary game display and that of a bonus or auxiliary game display (*Griswold* Figure 1, Col 4:29-57, 9:45-55).

Claims **35-36, 41, 48, and 50-51**: The invention of Griswold as presented in the address of claim 18 presented above and incorporated herein by reference additionally including a housing or cabinet, the generation of a plurality of symbols and the presentation of a player award based on the generated plurality of symbols and a required player wager (*Griswold* Col 1:8-33; 4:29-52). The described drum structure is set forth by Griswold as a reel and is demonstrated in figure 3 of the same.

Claims **47, and 49**: Griswold teaches the invention as presented above however, Griswold does not explicitly state there is a storage device accessible by the processor of Griswold that stores the sequence of designating the symbols or synchronizing the display of the symbols with the symbols position relative to the view window of the gaming device. The aforementioned features however, are understood as inherent to the disclosed operation of Griswold's gaming device, because the absence of such would leave the gaming machine disclosed by Griswold incapable of presenting a game result to the player of the gaming machine, a purpose notably at the core of any wager machine gaming device and in particular the gaming display device of Griswold (*Griswold* Col 1:5-17).

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Claim **52**: The invention of Griswold is additionally presented as alternatively incorporating an additional supporting portion (*Griswold* Figure 3b element 333).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **27, 37, 42-43**, and **53-54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Griswold et al (US 6,027,115) as applied to at least claim 18 above, and further in view of Loose et al (US 7,452,276).

Griswold teaches the invention as cited above and including the use of single electroluminescent displays on the reel strips however Griswold is silent regarding the

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utilization of reel strips incorporating LCD type displays. In a related invention however Loose teaches the utilization of LCD and organic displays on the reel strips to provide the advantages of a video display while preserving the look and feel traditional reel type displays (*Loose* Col 7:26-40 Figure 10). It would have been obvious to one of ordinary skill in the art at the time of invention to have utilized reel strips incorporating LCD in order to provide the display flexibility associated with modern video display technologies while preserving the look and feel traditional reel type displays.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT MOSSER whose telephone number is (571)272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art
Unit 3714

/R. M./
Examiner, Art Unit 3714